

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-158 (SRN/TNL)**

United States of America,

Plaintiff,

v.

Traigh Sean Tillman,

Defendant.

**DEFENDANT TILLMAN'S SECOND
MOTION IN LIMINE TO EXCLUDE
EVIDENCE**

Defendant Traigh Sean Tillman, by and through his undersigned attorney, respectfully moves the Court in limine for the following relief:

- 1) **Prohibiting the government from offering evidence or eliciting testimony about the limited DNA testing and analysis that was conducted in this case.**

Defendant now moves to preclude the government from offering any DNA evidence in the above-matter. This was not the subject of defendant's initial motion in limine (ECF 64) because the government had indicated that it was considering self-suppressing and not offering DNA evidence. Substitute government counsel has now advised that it is their intent to offer DNA evidence despite its total lack of scientific merit. This was formally confirmed in the government's expert witness disclosure received by the defense on January 29, 2024.

As previously noted, the government has recently produced an additional DNA report identified as Report #7. It was not produced until January 15, 2024 for reasons unknown to the defense. In addition to the government's motion in limine, it also filed a trial brief. That trial brief references that a forensic scientist performed DNA testing on items obtained in the course of the investigation. It goes on to state "The same single source DNA profile from the stain in

the street appears on Mr. Tillman's clothing." (Government Trial Brief p. 9 ECF 62). The government's expert disclosure also states that Ms. Axelson will testify that she examined blood found at the scene of the shooting (Minneapolis Police Dep't Item No. 215670-49 / BCA Item No. 1), and also examined blood found on Mr. Tillman's clothing when he was taken to the Hennepin County Medical Center. Ms. Axelson will testify that she compared the blood samples, and determined that they both came from the same source.

Report No. 7

Report No. 7 appears to be a report of known samples processed from 3 individuals and a comparison of those known profiles to the previously reported items of evidence. From this report it indicates that these 3 known individuals (Andrew Calvin Noble, Howard William Amos or Sylvester Romell Jernagin Jr) either all together or in some combination, do not match any of the profiles obtained from the items tested (Item 1, 5A, 5B, 6A, 6B, 7A, 7B, 11A, 13A, 11B2, 15A, 14A, 14B, 14C, 14D, 14E, 14F or 14G). In no part of Report No. 7 does it indicate that Mr. Tillman's DNA was processed or compared to any of the items of evidence previously tested. Under the items of evidence listed that were submitted for testing or examined at the laboratory, there is no indication that a known sample from Traigh Sean Tillman was submitted or analyzed for DNA testing. As a result, no comparisons of Mr. Tillman's known DNA was performed on any of the evidentiary items submitted.

Even though Report No. 2 indicated a database match of Item 1 to an offender in the database, that offender hit has not been confirmed with a new known DNA sample from Traigh Sean Tillman. Due to this lack of known DNA profile, the source of the DNA from any and all

of the items tested, is still unidentified. As such, this evidence should be excluded because it is of no scientific merit and would only give the jurors a false impression that it is in fact Mr. Tillman's DNA.

Dated: January 31, 2024

Respectfully submitted,

**LAW OFFICES OF
THOMAS H. SHIAH, LTD.**

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